

Justice Act of 2000 is the next step, a way to connect the dots between the extraordinary strides in DNA technology and my commitment to ending violence against women. We must ensure that justice delayed is not justice denied.

By Mr. WELLSTONE (for himself, Mrs. LINCOLN, Mr. DAYTON, Mr. KENNEDY, Mrs. CLINTON, Mrs. FEINSTEIN, and Mrs. BOXER):

S.J. Res. 37. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise today to submit a Resolution of Disapproval to reverse a rule submitted by the Center for Medicare and Medicaid Services, CMS. The rule, which takes effect today, lowers the Medicaid Upper Payment Limit for non-State government owned or operated hospitals. It reduces the Federal Medicaid match, or Medicaid Upper Payment Limit, from 150 percent of the Medicare rate to 100 percent. According to the administration's budget, the rule will cut \$9 billion over 5 years, money currently targeted to public hospitals and other "safety net" health programs, the most vulnerable sector of our health care system. At a time when Medicaid programs in the States are struggling, we simply can't afford to take this amount from our health care safety net. Too many people will be hurt.

The regulation will mean a loss of about \$30 million for Minnesota's public health care system this year, potentially more in future years. Hennepin County Medical Center alone stands to lose about \$10 million this year. This is a hospital that provides essential health care for thousands of Minnesotans. For many, it is the only place they can go. Other hospitals and clinics around Minnesota will also be deprived of needed funding. At a time when our health care system, and particularly our public hospitals are struggling just to survive, we ought not to be taking resources away from them like this.

CMS Director Scully has attempted to justify this damaging reduction by pointing to instances in the past when States did not use the program's money for health care purposes. Director Scully is certainly correct. The program should be used for health care, not for anything else. But slashing the Upper Payment Limit means that none of this money goes to health care. That doesn't make any sense. The loopholes that existed in the program have already been closed. The rule is a \$9 bil-

lion transfer away from those who desperately need health care, purportedly in order to solve a problem, but the problem has already been fixed. The rule is not needed and will cause great harm. I urge colleagues to support this resolution of disapproval.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 267—EX- PRESSING THE SENSE OF THE SENATE REGARDING THE POL- ICY OF THE UNITED STATES AT THE 54TH ANNUAL MEETING OF THE INTERNATIONAL WHALING COMMISSION

Mr. KERRY (for himself, Ms. SNOWE, Mr. HOLLINGS, Mr. MCCAIN, Mr. LIEBERMAN, Mr. WYDEN, Mr. AKAKA, Mr. REED, Mr. TORRICELLI, Mr. FITZGERALD, Ms. COLLINS, Mr. LUGAR, Mrs. BOXER, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 267

Whereas whales have very low reproductive rates, making whale populations extremely vulnerable to pressure from commercial whaling;

Whereas whales migrate throughout the world's oceans and international cooperation is required to successfully conserve and protect whale stocks;

Whereas in 1946 the nations of the world adopted the International Convention for the Regulation of Whaling, which established the International Whaling Commission to provide for the proper conservation of whale stocks;

Whereas the Commission adopted a moratorium on commercial whaling in 1982 in order to conserve and promote the recovery of whale stocks;

Whereas the Commission has designated the Indian Ocean and the ocean waters around Antarctica as whale sanctuaries to further enhance the recovery of whale stocks;

Whereas many nations of the world have designated waters under their jurisdiction as whale sanctuaries where commercial whaling is prohibited, and additional regional whale sanctuaries have been proposed by nations that are members of the Commission;

Whereas two member nations currently have reservations to the Commission's moratorium on commercial whaling and 1 member nation is currently conducting commercial whaling operations in spite of the moratorium and the protests of other nations;

Whereas a nonmember nation that opposes the moratorium against commercial whaling is seeking to join the Convention, on the condition that it be exempt from the moratorium;

Whereas the Commission has adopted several resolutions at recent meetings asking member nations to halt commercial whaling activities conducted under reservation to the moratorium and to refrain from issuing special permits for research involving the killing of whales and other cetaceans;

Whereas 1 member nation of the Commission has taken a reservation to the Commission's Southern Ocean Sanctuary and also continues to conduct unnecessary lethal scientific whaling in the Southern Ocean and in the North Pacific Ocean;

Whereas the Commission's Scientific Committee has repeatedly expressed serious concerns about the scientific need for such lethal research;

Whereas one member nation in the past unsuccessfully sought an exemption allowing commercial whaling of up to 50 minke whales, in order to provide economic assistance to specific vessels, now seeks a scientific permit for these same vessels to take 50 minke whales;

Whereas the lethal take of whales under scientific permits has increased both in quantity and species, with species now including minke, Bryde's, and sperm whales, and new proposals have been offered to include sei whales for the first time;

Whereas there continue to be indications that whale meat is being traded on the international market despite a ban on such trade under the Convention on International Trade in Endangered Species, and that meat may be originating in one of the member nations of the Commission; and

Whereas engaging in commercial whaling under reservation and lethal scientific whaling undermines the conservation program of the Commission. Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) at the 54th Annual Meeting of the International Whaling Commission the United States should—

(A) remain firmly opposed to commercial whaling;

(B) initiate and support efforts to ensure that all activities conducted under reservations to the Commission's moratorium or sanctuaries are ceased;

(C) oppose the proposal to allow a nonmember country to join the convention with a reservation that exempts it from the moratorium against commercial whaling;

(D) oppose the lethal taking of whales for scientific purposes unless such lethal taking is specifically authorized by the Scientific Committee of the Commission;

(E) seek the Commission's support for specific efforts by member nations to end illegal trade in whale meat; and

(F) support the permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited;

(2) at the 12th Conference of the Parties to the Convention on International Trade in Endangered Species, the United States should oppose all efforts to reopen international trade in whale meat or downlist any whale population;

(3) the United States should make full use of all appropriate diplomatic mechanisms, relevant international laws and agreements, and other appropriate mechanisms to implement the goals set forth in paragraphs (1) and (2); and

(4) if the Secretary of Commerce certifies to the President, under section 8(a)(2) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(2)), that nationals of a foreign country are engaging in trade or a taking which diminishes the effectiveness of the Convention, then the United States should take appropriate steps at its disposal pursuant to Federal law to convince such foreign country to cease such trade or taking.

Mr. KERRY. Mr. President, as Chairman of the Oceans, Atmosphere and Fisheries Subcommittee, I rise today to submit a resolution regarding the policy of the United States at the upcoming 54th Annual Meeting of the International Whaling Commission, IWC. I wish to thank the Ranking

Member of the Subcommittee, Ms. SNOWE, for co-sponsoring this resolution. I wish to also thank my colleagues Mr. HOLLINGS, Mr. MCCAIN, Mr. WYDEN, Mr. FITZGERALD, Mr. LIEBERMAN, Mr. AKAKA, Mr. REED, Mr. TORRICELLI, Ms. COLLINS, Mr. LUGAR, Mrs. BOXER and Mr. KENNEDY for co-sponsoring as well.

The IWC will meet in Japan from May 20 to 24, 2002. Despite an IWC moratorium on commercial whaling since 1985, Japan and Norway have harvested over 1000 minke whales since the moratorium was put in place. Whales are already under enormous pressure worldwide from collisions with ships, entanglement in fishing gear, coastal pollution, noise emanating from surface vessels and other sources. The need to conserve and protect these magnificent mammals is clear.

The IWC was formed in 1946 under the International Convention for the Regulation of Whaling, Convention, in recognition of the fact that whales are highly migratory and that they do not belong to any one Nation. In 1982, the IWC agreed on an indefinite moratorium on all commercial whaling beginning in 1985. Unfortunately, Japan has been using a loophole that allows countries to issue themselves special permits for whaling under scientific purposes. The IWC Scientific Committee has not requested any of the information obtained by killing these whales and has stated that Japan's scientific whaling data is not required for management. At this meeting, Japan intends to propose to add an additional 100 whales to the whales it kills for scientific purposes. Japan's claim that it needs these whales for scientific purposes is ever more tenuous: last year, Japan unsuccessfully sought to obtain an exemption allowing 50 whales to be commercially hunted to provide economic assistance to specific vessels. This year, Japan is seeking to use these same vessels to kill the same number of whales, in the name of "science." The additional 50 whales include new species, sei whales. Norway, on the other hand, objects to the moratorium on whaling and openly pursues a commercial fishery for whales. Iceland, currently a nonparty, is proposing to join the Convention, but only if it is granted a reservation that exempts it from the ban on commercial whaling.

This resolution calls for the U.S. delegation to the IWC to remain firmly opposed to commercial whaling. In addition, this resolution calls for the U.S. to oppose the lethal taking of whales for scientific purposes unless such lethal taking is specifically authorized by the Scientific Committee of the Commission. The resolution calls for the U.S. to oppose the proposal to allow a non-member country to join the Convention with a reservation that would allow it to commercially whale. The resolution calls for the U.S. delegation to support an end to the illegal trade of whale meat and to support the

permanent protection of whale populations through the establishment of whale sanctuaries in which commercial whaling is prohibited.

SENATE RESOLUTION 269—EXPRESSING SUPPORT FOR LEGISLATION TO STRENGTHEN AND IMPROVE MEDICARE IN ORDER TO ENSURE COMPREHENSIVE BENEFITS FOR CURRENT AND FUTURE RETIREES, INCLUDING ACCESS TO A MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. CRAIG (for himself, Mr. COCHRAN, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 269

Whereas our nation's senior citizens and the disabled need and deserve the highest quality health care available;

Whereas the Medicare program has not fundamentally changed since its creation over 35 years ago and has not kept pace with recent improvements in health care delivery;

Whereas the Medicare Trustees report that the current system is not sustainable;

Whereas Medicare only provides limited access to many lifesaving and health enhancing pharmaceutical and biological medicines;

Whereas America's seniors need a comprehensive, voluntary outpatient prescription drug program under Medicare; and

Whereas Medicare prescription drug coverage can best be provided through comprehensive steps to modernize and strengthen the Medicare program: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) by September 30, 2002, the Senate should consider legislation to comprehensively modernize the Medicare program under which beneficiaries will be offered more choices, including outpatient prescription drug coverage;

(2) this legislation should ensure that the Medicare program's financial solvency is preserved and protected;

(3) this legislation should permit beneficiaries to choose from a variety of coverage options, including an option to continue benefits under the current plan as well as an option to choose from benefits offered by multiple competing, private insurance plans that rely on competition to control costs and improve quality; and

(4) this legislation should provide at least one option providing comprehensive outpatient prescription drug coverage to Medicare beneficiaries, including those having high prescription drug costs.

Mr. CRAIG. Mr. President, I rise today to submit a Sense of the Senate Resolution expressing support for Medicare Reform and the addition of a prescription drug benefit. I am pleased that Senator THAD COCHRAN and Senator JAMES INHOFE are joining with me in this effort today.

The Medicare program is of vital importance to our Nation's seniors and has been providing them dependable, affordable and high quality health care for over 35 years. Despite this, I think we would all agree that the system has not kept pace with modern medicine or coverage available to those covered by private insurance. The practice of medicine has changed dramatically since

the inception of the Medicare program. The many new technologies and drugs that are available to our seniors today weren't even an option 35 years ago.

No senior should have to worry about whether he or she can afford the medicine they need to stay healthy. I am well aware that the rising cost of prescription medicine and prescription drug coverage is a great concern for today's seniors and tomorrow's retirees. Indeed, in some cases, prescription drugs are as important as a doctor's care. It is this reality that makes it so critical we focus our efforts on finding a solution.

As discussion continues, it is crucial we develop effective options for simultaneously modernizing and securing Medicare. We can not afford to add an expensive new comprehensive benefit without real reform to the program and we need to focus our attention on the necessary steps to ensure Medicare remains dependable and up to date.

This is why I am choosing to submit this Sense of the Senate Resolution expressing support for a prescription drug benefit and Medicare modernization. I am calling on the Senate to work to pass legislation on this issue before September 30, 2002 and to give current and future seniors the benefits they deserve. Included in this resolution are principles that I believe should be included in any Medicare or prescription drug legislation that passes this year. I hope my colleagues will join me in supporting these principles and working towards the goal of passing substantial Medicare reform.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3408. Mr. DAYTON (for himself and Mr. DORGAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

SA 3409. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to amendment SA 3408 proposed by Mr. DAYTON (for himself and Mr. DORGAN) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3410. Mr. THOMPSON submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3411. Mr. KENNEDY proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3412. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3413. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3414. Mr. BINGAMAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.